

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIAM SPENCER

Plaintiff,

vs

Case No: 11-13107
Honorable Victoria A. Roberts

ABIGAIL CALLAJAS, ET AL,

Defendants.

/

**ORDER ADOPTING REPORTS AND RECOMMENDATIONS
AND UPHOLDING ORDER**

In this prisoner civil rights case, the Court referred several motions to Magistrate Judge Whalen for preparation of reports and recommendations:

1. Defendants' motions to dismiss Plaintiff's amended complaint (Doc. 21 and 24);
2. Plaintiff's motion for preliminary injunction (Doc. 31); and
3. Plaintiff's motion for partial summary judgment (Doc. 28).

Those reports and recommendations are now before the Court with Plaintiff's objections.

Under 28 U.S.C. § 636(b)(1), this Court conducts a de novo review of any part of the Magistrate Judge's reports and recommendations to which there are proper objections. After careful review of the entire record, the Court agrees with Magistrate Judge Whalen's reports and recommendations. They are thorough; they lay out the facts and procedural history of the case as well as the relevant case law. The Magistrate Judge provides reasoned explanations for his recommendations.

The Magistrate Judge also entered an order denying Plaintiff's motion to amend complaint (Doc. 38) . Plaintiff filed objections (Doc. 41). This order is reviewed under a different standard: the Court must decide if it is clearly erroneous or contrary to law. 28 U.S.C. § 636 (b)(1)(A). After careful review, the Court decides the order is neither.

Accordingly, the Court **ADOPTS** Magistrate Judge Whalen's Reports and Recommendations and **UPHOLDS** his Order:

- (A) Defendants' motions to dismiss Plaintiff's amended complaint, (Docs. 21, 24), are **GRANTED**;
- (B) Plaintiff's motion for preliminary injunction, (Doc. 31), is **DENIED**;
- (C) Plaintiff's motion for partial summary judgment, (Doc. 28), is **DENIED**; and
- (D) Plaintiff's objection to the order denying his motion to amend the complaint, (Doc. 41), is **DENIED**.

Judgment will enter in favor of Defendants.

IT IS ORDERED.

/s/ Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: February 21, 2013

The undersigned certifies that a copy of this document was served on the attorneys of record and William Spencer by electronic means or U.S. Mail on February 21, 2013.

s/Linda Vertriest _____
Deputy Clerk